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ARTZ & ARTZ P.C.

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U.S.S.N. 09/174,804

WLI 0104 R

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# 30

## DECLARATIONS

#29  
Hh  
4/19/02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DAVID MORROW, et al.

Serial No.: 09/174,804

Group Art Unit: 3711

Filed: October 19, 1998

Examiner: M. Chambers

For: **SCOOPED LACROSSE HEAD**

Atty Docket: WLI 1004 R

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

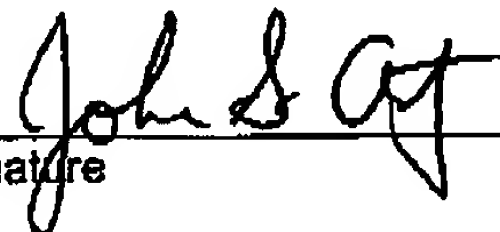
## MAILING

☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

## FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office at fax number 703-872-9302

Signature



Date: April 19, 2002

John S. Artz

DECLARATION OF PRIOR INVENTION IN THE  
UNITED STATES TO OVERCOME A CITED  
PATENT PURSUANT TO 37 C.F.R. §1.131

I, Phillip Naumburg, hereby declare and state as follows:

1. I am a citizen of the United States and have a home address of 303 W. 8<sup>th</sup> Street, Loveland, Colorado 80537.
2. I am one of the co-inventors of U.S. Patent No. 5,568,925 along with David Morrow and am also one of the Applicants of the present application for reissue.

WLI 0104 R

- 2 -

U.S.S.N. 09/174,804

3. The lacrosse head disclosed and claimed in the subject patent application was conceived by David Morrow and me, and was reduced to practice by us, in the United States, prior to August 2, 1994, which is the effective date of the prior art MacNeil patent (\$,494,297).
4. Enclosed with this Declaration, and identified as Exhibit A, is a true copy of an advertisement that appeared in a publication in the United States, which was published prior to August 2, 1994. The advertisement illustrates a complete lacrosse head in accordance with the subject patent application. The advertisement illustrates Warrior's first commercial embodiment of its patented head, which was identified by the trademark COBRA.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

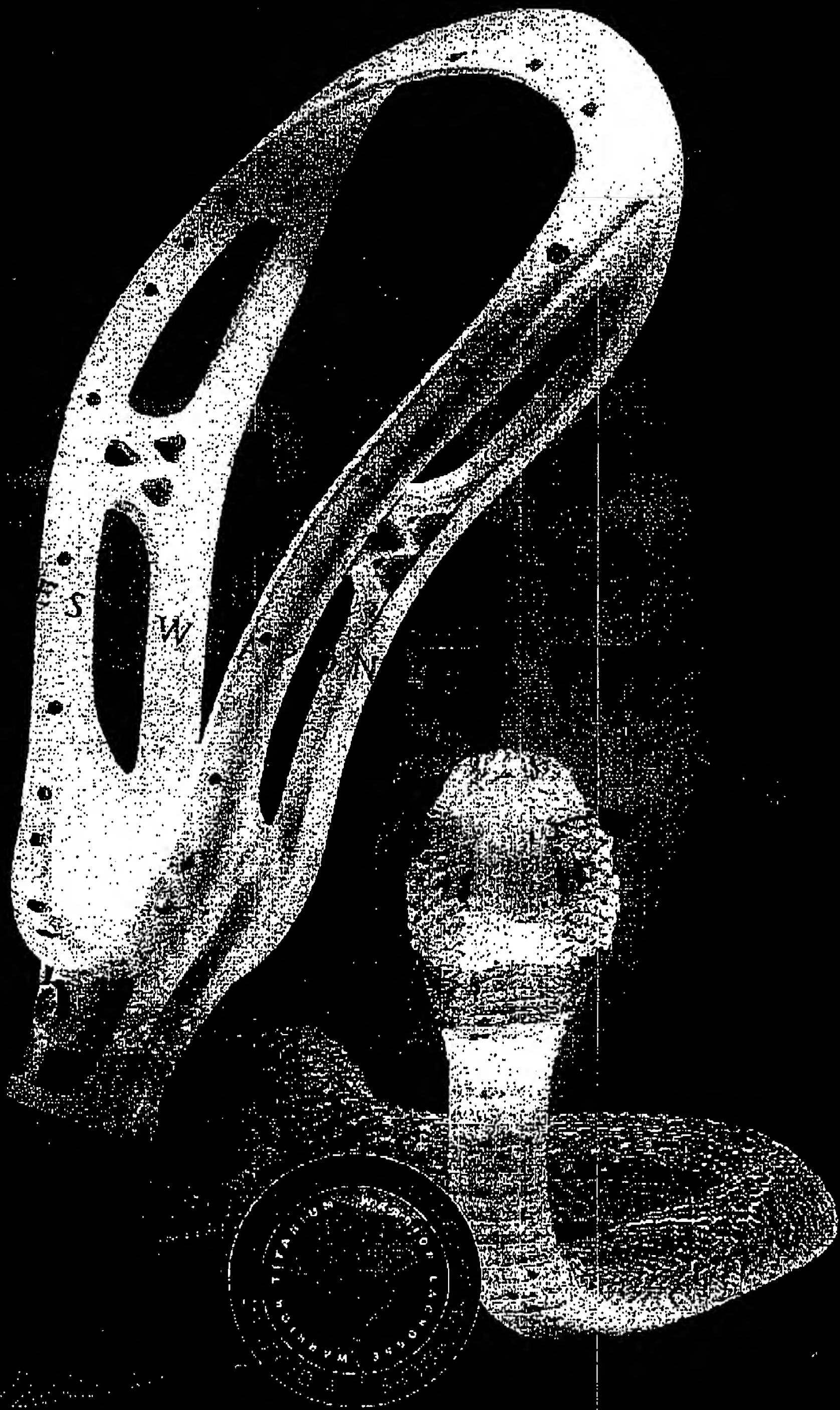
Date: 4/17/02

Phillip Naumburg  
Phillip Naumburg

U.S.S.N. 09/174,804

WLI 0104 R

## **EXHIBIT A**



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patent pending